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1017 U.S. to
09/825615
04/03/01

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/212,002 12/14/98 WEHRUNG

B A-66417/GSW/

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PM82/0906

EXAMINER	
BARTUSKA, F	
ART UNIT	PAPER NUMBER

3652

DATE MAILED: 09/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

File A-66417 Atty AJT, MSS
Due Date 12-6-2000
Type 3men CA Refs ✓

Office Action Summary

Application No.

09/212022

Applicant(s)

B. WENKING et al

Examiner

F.S. BARTUSKA

Group Art Unit

31052

J1017 U.S. PTO
09/825619

04/03/01

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 12-14-98
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-29 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 12-18 is/are allowed.
- ☒ Claim(s) 1-11, 19-23 AND 26-29 is/are rejected.
- ☒ Claim(s) 24 AND 25 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. AST MSS
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-4 and 7-11 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Jackson et al. Fig. 7 of Jackson et al shows three levels of control and col. 3, line 43 discloses that the material being conveyed is wafers.

3. Claims 19, 20, 22, 23 and 26-29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Van Essen. Each director 23 of Van Essen has a microprocessor 127 the operation of which is disclosed in col. 7, line 31 to col. 8, line 22.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al. Jackson et al disclose all the features of the applicants' claimed invention except conveying a pod, a flat panel display, magnetic storage disks or pharmaceutical components. The particular material conveyed would involve only an obvious design choice to one of ordinary skill in the art in view of

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many and varied materials Jackson et al disclose as being conveyed in col. 3, lines 42-43.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Essen in view of Carter. Van Essen shows all the features of the applicants' claimed invention except means which are responsive to faults in the conveying path. It would have been obvious to one of ordinary skill in the art in view of the rerouting means disclosed in col. 9, lines 33-42 of Carter to provide the device of Van Essen with means to reroute the items being conveyed in response to the occurrence of faults.

Claim Rejections - 35 USC § 112

7. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim is indefinite because there is not proper antecedent basis for "the pod".

Allowable Subject Matter

8. Claims 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Drawings

9. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Conclusion

10. Hall is cited to show conveyor zones whose speed is dependent on the speed of adjacent zones. The IBM publication is cited to show the four directors 3, 12, 17 and 18.
11. Any inquiry concerning this communication should be directed to F. J. Bartuska at telephone number (703) 308-1111.

F. J. BARTUSKA
PRIMARY EXAMINER